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Communications, LLC**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS,
LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

COMCAST CORPORATION, *et al.*,

Defendants.

Case No.: 2:23-cv-01049-JWH-KES
(Lead Case)

Case No.: 2:23-cv-01050-JWH-KES
(Related Case)

[Assigned to the Honorable John W.
Holcomb]

**PLAINTIFF ENTROPIC
COMMUNICATIONS, LLC'S
AMENDMENT TO MOTION
FOR LEAVE TO AMEND AND
SUPPLEMENT COMPLAINT
AGAINST COMCAST
DEFENDANTS, AND AMEND
INFRINGEMENT
CONTENTIONS (DKT. 115);
DECLARATION OF CASSIDY
T. YOUNG IN SUPPORT
THEREOF**

Hearing Date: December 15, 2023
Hearing Time: 9:00 a.m.
Courtroom: 9D

**PLAINTIFF'S AMENDMENT TO ITS MOTION FOR LEAVE TO AMEND
AND SUPPLEMENT**

1 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF**
 2 **RECORD:**

3 **PLEASE TAKE NOTICE** that Entropic Communications, LLC (“Entropic”)
 4 hereby amends its Notice of Motion and Motion for Leave to Amend and Supplement
 5 Complaint Against Comcast defendants, And Amend Infringement Contentions (the
 6 “Motion”) (Dkt. 115).

7 Entropic filed the Motion on November 13, 2023 pursuant to Rule 15 of the
 8 Federal Rules of Civil Procedure on the grounds that good cause existed (and still
 9 exists) to grant Entropic leave to amend and supplement its First Amended Complaint
 10 against the Comcast defendants, and to amend its infringement contentions.
 11 Specifically, Entropic discovered facts establishing a good-faith basis to assert the
 12 U.S. Patent No. 9,866,438 (the “’438 Patent”) only recently. In addition, the U.S.
 13 Patent No. 11,785,275 (the “’275 Patent”) was recently issued on October 10, 2023.
 14 Entropic’s Motion is currently set to be heard on January 16, 2023 pursuant to the
 15 Court’s Order continuing the hearing on that Motion (Dkt. 121).

16 Seven days after Entropic filed its Motion, the Court entered its Order
 17 Granting Comcast’s Motion to Dismiss and Granting Entropic Leave to Amend
 18 (Sealed Dkt. 120). Entropic, in compliance with the Court’s Order, filed its Second
 19 Amended Complaint (“SAC”) on December 8, 2023 (Dkt. 129), which included
 20 allegations of certain post-filing conduct of Comcast. Out of an abundance of caution,
 21 Entropic also filed an additional Motion for Leave to Supplement Complaint (Dkt.
 22 131) since the Court’s Order was ambiguous as to whether it granted Entropic’s
 23 request for leave to supplement, which it requested in its Opposition to Comcast’s
 24 Motion to Dismiss, and Entropic’s SAC included post-filing conduct of Comcast.
 25 *See Fed. R. Civ. P. 15.*

26 Entropic hereby amends its Motion to: (1) make clear that Entropic’s Motions
 27 to Amend and Supplement and its subsequent Motion to Supplement (Dkt 115 and
 28

1 Dkt 131) have not been mooted—rather, they each address discrete issues, and (2)
 2 submit a supplemental declaration for the purposes of attaching (a) a proposed Third
 3 Amended Complaint (and redline) that simply adds the proposed new allegations and
 4 claims that were previously submitted to the Court with Entropic’s Motion (Dkt. 115)
 5 to the subsequently filed Second Amended Complaint, such that if the Court grants
 6 Entropic’s Motion, it will have an updated, complete proposed Third Amended
 7 Complaint, and (b) a proposed separate second supplemental pleading that contains
 8 the allegations contained in the proposed Third Amended Complaint based on post-
 9 filing conduct. Entropic furthermore hereby incorporates by reference the
 10 Memorandum of Point and Authorities in Support of Entropic’s Motion (Dkt. 115).

11
 12 Dated: December 15, 2023

Respectfully submitted,

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